

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION**

**BLAKE MENDROP
and LYNN MENDROP**

PLAINTIFFS

VERSUS

CIVIL ACTION NO. 2:05CV15-P-B

**SHELTER MUTUAL INSURANCE COMPANY
AND DARREN MUSSELWHITE d/b/a SHELTER
INSURANCE AGENCY**

DEFENDANTS

ORDER

This cause came on for hearing on the plaintiffs' Motion to Remand and for Costs [6-1]. The Court, having considered the motion and being otherwise fully advised in the premises, finds as follows, to-wit:

In accordance with the Memorandum Opinion entered this day, the Court finds that the plaintiffs' Motion to Remand is not well-taken and should be denied. Furthermore, inasmuch as the Court's finding is premised on the fraudulent joinder of defendant Darren Musselwhite, said defendant should be dismissed with prejudice as a party defendant.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the plaintiffs' Motion to Remand and for Costs [6-1] is not well-taken and should be, and hereby is, DENIED. IT IS FURTHER ORDERED that defendant Darren Musselwhite should be, and hereby is, DISMISSED WITH PREJUDICE as a party defendant. IT IS FURTHER ORDERED that the parties are to contact Magistrate Judge Eugene M. Bogen within ten (10) days of the entry of this Order in order to schedule an initial case management conference.

SO ORDERED AND ADJUDGED, this the 4th day of August, 2006.

/s/ W. Allen Pepper, Jr.

W. ALLEN PEPPER, JR.

UNITED STATES DISTRICT JUDGE